

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PALM BAY INTERNATIONAL, INC.

Plaintiff/Counter-
Defendant,

v.

Cons. Case Nos. CV 09 599
and CV 09 601 (ADS) (ETB)

MARCHESI DI BAROLO S.P.A.,

Defendant/Counter-
Plaintiff.

_____ X

DAVID S. TAUB and MARC TAUB, as
Successor to MARTIN G. TAUB, deceased,

Plaintiffs/Counter-
Defendants,

v.

MARCHESI DI BAROLO S.P.A.,

Defendant/Counter-
Plaintiff.

_____ X

**DECLARATION OF
RACHAEL G. PONTIKES
IN SUPPORT OF
DEFENDANT'S MOTION IN
LIMINE TO EXCLUDE
EVIDENCE REGARDING
ALLEGED INJURIES TO AN
EMPLOYEE OF DARDEN
RESTAURANTS**

Pursuant to 28 U.S.C. § 1746, RACHAEL G. PONTIKES hereby declares under penalty of perjury, that the following is true and correct:

1. I am an attorney admitted *pro hac vice* with the law firm of Duane Morris LLP, attorneys for defendant Marchesi di Barolo ("Marchesi"), in the above-captioned actions. I submit this Declaration in support of Marchesi's Motion *In Limine* To Exclude Testimony Regarding Alleged Injuries To An Employee Of Darden Restaurants.

2. The purpose of this Declaration is to put before the Court the documents which establish that Marchesi's Motion *In Limine* To Exclude Testimony Regarding Alleged Injuries To An Employee Of Darden Restaurants should be granted.

3. A true and correct copy of relevant excerpts from the deposition of Doug Jackson is attached as Exhibit 1.

4. A true and correct copy of relevant excerpts from the deposition of Cindy Zuments is attached as Exhibit 2.

5. A true and correct copy of relevant excerpts from the deposition of Michael Petteruti is attached as Exhibit 3.

6. A true and correct copy of relevant excerpts from the deposition of Marc Taub is attached as Exhibit 4.

7. A true and correct copy of relevant excerpts from the deposition of Dennis Delaney is attached as Exhibit 5.

8. A true and correct copy of relevant excerpts from the deposition of David Taub is attached as Exhibit 6.

9. True and correct copies of the emails bates labeled DARD 222 and DARD 298 are attached as Exhibit 7.

Dated: Chicago, Illinois
May 3, 2010

/s/ Rachael G. Pontikes
RACHAEL G. PONTIKES